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Attorneys for Plaintiff
CENTRAL VALLEY EDEN ENVIRONMENTAL DEFENDERS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CENTRAL VALLEY EDEN
ENVIRONMENTAL DEFENDERS, LLC, a
California limited liability company,

Plaintiff,

vs.

BUILDING MATERIAL DISTRIBUTORS., a
California corporation; and DOES 1-10,
inclusive,

Defendant.

Case No.: 2:22-cv-00509-JDP

**STIPULATION TO DISMISS ENTIRE
ACTION AGAINST ALL DEFENDANTS
WITH PREJUDICE; ~~PROPOSED~~
ORDER GRANTING DISMISSAL WITH
PREJUDICE**

FRCP 41(a)(2)

1 Plaintiff Central Valley Eden Environmental Defenders, LLC (“Plaintiff”) and Defendant
2 Building Material Distributors, Inc. (“Defendant”), hereby enter into this Stipulation to Dismiss
3 Plaintiff’s Complaint and all claims against all Defendants with prejudice.

4 WHEREAS, Plaintiff and Defendant (the “Parties”) have entered into a settlement
5 agreement that achieves a full and final settlement of all Plaintiff’s claims against Defendant as
6 set forth in the Complaints filed in this matter.
7

8 WHEREAS, on August 5, 2024, the Parties filed a Notice of Settlement notifying the
9 Court that the Parties had reached a full settlement to resolve all outstanding issues in this action
10 (“Settlement Agreement”).
11

12 WHEREAS, on August 2, 2024, Plaintiff served a copy of the Settlement Agreement on
13 the Department of Justice (“DOJ”) for a mandatory 45-day review period under 33 U.S.C. §
14 1365(c)(3) and 40 C.F.R. § 135.5. All interested parties agree that the expiration date of the 45-
15 day review period was September 16, 2024.

16 WHEREAS, the Parties’ Notice of Settlement specified that upon the expiration of the
17 DOJ’s review period, if no objection was lodged by the DOJ, the Settling Parties would stipulate
18 to and request an order from this Court dismissing with prejudice Plaintiff’s claims as to
19 Defendant.
20

21 WHEREAS, the statutory agency review period has expired without any objection being
22 lodged by the DOJ. A Notice of Non-Objection was filed with this Court on September 17,
23 2024.
24

25 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the
26 Parties that Plaintiff’s Complaint and all claims against Defendant shall be dismissed with
27 prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).
28

The Parties respectfully request an order from this Court dismissing such claims with prejudice, with each side to bear their own attorney fees and costs, except as provided for by the terms of the Settlement Agreement attached hereto as **Exhibit A**.

Dated: October 4, 2024

By: /s/ Craig A. Brandt
Craig A. Brandt
Attorney for Plaintiff
CENTRAL VALLEY EDEN
ENVIRONMENTAL DEFENDERS

Dated: October 4, 2024

GORDON REES SCULLY MANSUKHANI, LLP

By: /s/ Christopher T. Johnson
as authorized by counsel per LR 131(e)
Brian M. Ledger
Christopher T. Johnson
Attorneys for Defendants
BUILDING MATERIAL DISTRIBUTORS,
INC.

~~[PROPOSED]~~ ORDER

Good cause appearing, and the parties having stipulated and agreed, IT IS HEREBY ORDERED as follows:


The Complaint filed in this matter by Plaintiff CENTRAL VALLEY EDEN ENVIRONMENTAL DEFENDERS, LLC, and all claims against Defendant BUILDING MATERIAL DISTRIBUTORS are hereby dismissed in their entirety, with prejudice.

Each party is to bear their own attorney fees and costs, except as provided for in the Settlement Agreement executed by the Parties on July 31, 2024, a copy of which is filed at ECF No. 93-1 and incorporated herein by reference.

PURSUANT TO STIPULATION,

IT IS SO ORDERED.

Dated: October 4, 2024


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE